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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002913

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OPERATIONS CENTER FOR SWO

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TAGS: [KDEM](#) [PGOV](#) [IZ](#)
SUBJECT: ACTION REQUEST: IRAQI ELECTION LAW

REF: A. BAGHDAD 2912
[1](#)B. BAGHDAD 2851

Classified By: Classified By: Political Minister-Counselor Gary A. Grap
po for reasons 1.4(b) and (d).

[1](#)1. (U) This is an Action Request, please see para. 10.

[1](#)2. (C) SUMMARY. Following discussions with Iraqi politicians, UNAMI SRSG Melkert presented October 31 a new proposal for voting in Kirkuk province that blends elements of prior schemes. The new approach followed a failed effort on October 29 to pursue a "two-stage" election and an offer on the part of a Kirkuk Arab hardliner that suggested some softening in their position -- though not that of the Turkomen. The Ambassador, MNF-I CG Odierno, and SRSG Melkert agreed to work quickly, and in close coordination, to engage key Iraqi leaders to build support for UNAMI's October 31 proposal and push for a vote in the Council of Representatives (COR) within the next 48 hours, i.e. by November 2. Following our coordination meeting, UNAMI reported an initial "encouraging" meeting with Kirkuk Arab hardliners on this proposal. In addition, UNAMI received confirmation through Grand Ayatollah Sistani's son, Mohammed Rida, that Sistani would support the new plan. END SUMMARY.

U.S.-UNAMI Coordination Meeting

[1](#)3. (C) In a meeting with the Ambassador and MNF-I CG Odierno to coordinate a strategy to secure an election law, SRSG Melkert summarized three options for the election law that still offered interest to various Iraqi politicians. First, there was the UNAMI proposal that both the United States and UNAMI had been promoting since October 29 (Ref A), calling for a one-year term of office for Kirkuk COR members and other elements. Second, there was the option to pre-determine the allocation of Kirkuk's COR seats (Ref B). And lastly, there was still the possibility of delaying elections in Kirkuk province for one year. U.S. and UNAMI officials agreed that each option had its problems, and that excluding Kirkuk from the January 2010 elections was the least desirable solution. Melkert added that during an October 31 meeting with Chairman Faraj al-Haydari of the Independent High Electoral Commission (IHEC), he had had to calm a "pretty nervous" Haydari and to ask that IHEC abstain from making public comments in the near term while negotiations on the election law continue.

[1](#)4. (C) Melkert explained that UNAMI's October 29 proposal was "near death" because Sunni Arabs and Turkomen from Kirkuk want greater assurances of their respective representations within the province's eleven seats in the COR. Melkert reported Sunni Arab MP Omar al-Jabouri of Kirkuk expressed these concerns to UNAMI during consultations late October 30. Al-Jabouri suggested that instead of UNAMI's proposal to conduct elections in Kirkuk with the 2009 voter list, Sunni

Arab and Turkomen from Kirkuk would prefer to receive two compensatory seats each (four seats in total).

15. (C) NOTE: Al-Jabouri told Deputy PolCouns on October 31 that the "Arab street" in Kirkuk had rejected his previous proposal, key elements of which were: (1) Elections should be held on 16 January 2010 based on the 2009 voter registration list, and the same number of compensatory seats will be given to Arabs and Turkomen; (2) the 2009 voter registration list, as well as any other voter list whether before or after, will not be used for future electoral events until the completion of review and scrutiny of all the population records and data; (3) a special committee will be established by the COR to work with UNAMI and relevant Iraqi authorities to undertake the task outlined in part two in accordance with the criteria of the 1957 census within the current Kirkuk boundaries; (4) the results of the elections shall not have any constitutional or legal implications over the political and administrative future of Kirkuk. Al-Jabouri blamed the rejection on Arab-Turkomen fears that using the 2009 voter registration list would definitively demonstrate the Kurds' majority in Kirkuk and that Kurdish politicians would find a way to avoid a review of the 2009 voter registry -- a fear fueled by erroneous reports that Barzani had called for the "annexation" of Kirkuk into the KRG. Al-Jabouri subsequently floated a new "compromise proposal" that calls for two compensatory seats each for Kirkuk's Sunni Arabs and Turkomen. The logic was that guaranteed compensatory seats would ensure that the current balance of seats within Kirkuk's parliamentary delegation -- elected in 2005 -- would be perpetuated, blunting the Kurds' purported effort to effect demographic change since 2004. END NOTE.

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Updated UNAMI Election Law Proposal

16. (C) Melkert proposed that the United States and UNAMI support a solution that blends elements of Al-Jabouri's proposals and UNAMI's former plan. The text is as follows: "(i) The January 2010 parliamentary elections in Iraq shall be conducted based on the 2009 updated national voter list. In Kirkuk Governorate, the Arab and Turkmen components shall each be allocated one compensatory seat. Those seats shall be given to the lists within those components that acquired the highest number of votes and IHEC shall implement this. (ii) The voter list for these elections for the Kirkuk Governorate will not be used for future electoral events in this governorate. A special committee will be established by the COR to work with UNAMI and IHEC to develop the criteria for a voter registry and future electoral processes in Kirkuk. The work of this Committee shall be completed in time for a subsequent election that could be held in Kirkuk Governorate on 16 January 2011. That election would be based on the criteria recommended by the Committee, using the current boundaries of Kirkuk Governorate and available sources including the 1957 census. The term of office for COR members elected on 16 January 2010 representing Kirkuk will therefore be one year. (iii) No voter list shall be used for any future electoral events in the Governorate of Kirkuk until the completion of the work of the above-mentioned special committee. The results of the 16 January 2010 elections shall not have any constitutional or legal implications over the political and administrative future of Kirkuk."

Next Steps

17. (C) The Ambassador, CG Odierno, and SRSB Melkert agreed that UNAMI, supported by the Embassy, will present the above proposal to key Iraqi political leaders beginning the evening of October 31. UNAMI and the Embassy agreed to present this proposal as a final proposal, but agreed to consult again

should it become necessary to make adjustments or to consider postponing the election in Kirkuk.

¶8. (C) SRSG Melkert October 31 called Grand Ayatollah Sistani's son, Mohammed Rida, to ask for Sistani's support for the October 31 UNAMI proposal. UNAMI D/SRSG Andrew Gilmour reported that they read the message to him, and that Rida replied that his father will support it. In addition, the SRSG plans to talk with Speaker Ayad al-Samarra'i and Deputy Speaker Attiyah on October 31. The SRSG will follow up with outreach to the Arabs, Turkomen and other contacts on November 1.

¶9. (C) The Ambassador will contact the Turkish Ambassador the evening of October 31 to make the points listed in para.

¶12. The Ambassador, along with CG Odierno as appropriate, will seek engagements November 1 with PM Maliki, Speaker Samarra'i, Da'wa bloc leader Ali al-Adeeb, ISCI leader Ammar al-Hakim, President Talibani (via telephone), INL leader Iyad Allawi, and Vice President Adil Abd al-Mahdi. As the results of these meetings become clear, Ambassador will then plan to call KRG President Masoud Barzani to seek his support. The Embassy will also reach out to key Sunni leaders, including Osama Tikriti, Saleh al-Mutlaq, and Deputy Prime Minister Rafi al-Issawi. Additional engagements are planned with President Hashimi, ISCI bloc leader Humam Hammoudi, and Deputy Speaker Attiyah.

Proposed Action for Washington

¶10. (C) ACTION REQUEST: Post requests that the Vice President be prepared to make follow-up phone calls to Barzani and Talabani on November 1 or 2. Post also requests that the Department immediately request the Government of Turkey (contact Foreign Ministry and the Turkish General Staff) to exercise all appropriate influence on Iraqi Turkomen and Arabs in Kirkuk to urge them to support UNAMI's proposed solution and to be present to vote in favor of an election law to enable a credible and legitimate election on January 16, 2010. END ACTION REQUEST.

HILL